IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 15TH JULY 2008 / 24TH ASHADHA 1930

OP.No. 8231 of 2003(E)
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PETITIONER:
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T.G.DAVID,
EXE.ENGINEER (RETD.), ELE.CIRCLE, KASARGOD,
THONDANVALIL HOUSE, NEAR N.S.S. HIGH SCHOOL,
KALPETTA, WAYANAD DISTRICT.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY, VYDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

2. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE CHAIRMAN, VYDYUTHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC, KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/07/2008, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**APPENDIX IN WPC.8231/03**

**PETITIONER'S EXHIBITS**:

EXT.P1: TRUE COPY OF THE PROCEEDINGS NO.PA VII/PPO 26737 DATED 18.8.2001.

EXT.P2: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 4.9.2000.

EXT.P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 23.5.2001 BEFORE THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 8.8.2001 BEFORE THE 2ND RESPONDENT.

EXT.P5: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 6.11.2002.

EXT.P6: TRUE COPY OF THE G.O.(P)NO.185/2002/FIN DATED 27.3.2002.

EXT.P7: TRUE COPY OF THE BOARD ORDER NO.B.O.(FM)NO. 1281/02 (ESTT.IV/3912/2002) DATED 16.9.2002.

/TRUE COPY/

**THOTTATHIL B.RADHAKRISHNAN, J.**

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O.P.No.8231 OF 2003

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Dated this the 15th day of July, 2007

**JUDGMENT**

The judgment dated 13.6.2007 was recalled today, by the order on R.P.No.601/08. This writ petition is, therefore, taken up for further hearing.

It is requested by the learned counsel for the petitioner that this original petition may be closed without prejudice to the contentions in O.P.No.38682/03. It is so ordered.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN,**
**Judge.**

Kkb.17/7.

**THOTTATHIL B.RADHAKRISHNAN, J.**

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O.P.No.8231 OF 2003

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Dated this the 13th day of June, 2007

**JUDGMENT**

On 11.6.2003, this Court recorded on C.M.P.No.14331/03 that the learned standing counsel for the respondents submitted that all service benefits other than D.C.R.G. have been sanctioned and D.C.R.G. could not be released because of pendency of a vigilance case. All santioned terminal benefits due to the petitioner were directed to be released within a period of one month from the dae of production of a copy of that order. Under such circumstances, the only question which survives is the release of D.C.R.G.

2. In terms of Government Order dated 27.3.2002, Government have directed to disburse all retiral benefits in cases where departmental proceedings were pending even after retirement, unless it is disposed of within the time frame fixed

under the limits prescribed by the Rules. Admittedly, the petitioner retired on 31.8.2000 and this writ petition is filed on 11.3.2003, complaining that D.C.R.G. has not been released. In terms of the provisions of Part III K.S.R., there is no reason for the Board to withhold the D.C.R.G. Under such circumstances, this writ petition is allowed directing that if any portion of the retiral benefits, including D.C.R.G., is left unpaid, that shall be released to the petitioner with interest at the rate of 6% per annum from 11.3.2003 till the date of payment. However, it is clarified that if principal amount has already been released, the direction as to payment of interest will not bind the respondents. It is further directed that all such amounts shall be paid within a period of two months from the date of receipt of a copy of this judgment.

The writ petiiton is disposed of with the above directions.

**THOTTATHIL B.RADHAKRISHNAN**
**Judge**

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.8231 OF 2003

JUDGMENT

15TH JULY, 2007.

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